

Serial No.: 10/541,932
Examiner: Edward J. Cain
Reply to Office Action Mailed September 9, 2008
Page 4 of 6

REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Claims 5 and 6 have been revised editorially and further include some feature of claim 7. Claims 1-4 and 7 have been canceled without prejudice. Claims 5 and 6 remain pending in the application.

Claim Rejections – 35 USC § 112

Claims 1-7 are rejected under 35 USC 112, second paragraph, as being indefinite. Specifically, claims 1-7 are rejected for reciting the term “inner lead type writing instruments.” Applicants respectfully traverse this rejection. The rejection of claims 1-4 and 7 is moot in view of the cancellation of those claims. Applicants are not conceding the correctness of the rejection for claims 1-4 and 7. Applicants respectfully contend that those of ordinary skill in this field are familiar with inner lead type writing instruments and that therefore the term is understandable in its present form.

In addition, claim 2 is rejected due to indefiniteness. Claim 2 has been canceled without prejudice, rendering the rejection moot. Applicants are not conceding the correctness of the rejection.

Claim Rejections – 35 USC § 102

Claims 1-7 are rejected under 35 USC § 102(b) as being anticipated by Ikoma (US Patent Publication No. 2001/0032567). Applicants respectfully traverse this rejection. Claims 5 and 6 have been revised editorially and further include some feature of claim 7. The rejection of claims 1-4 and 7 is moot in view of the cancellation of those claims. Applicants are not conceding the correctness of the rejection for claims.

Claim 5 is directed to writing instruments that require inks not comprising white colored inorganic pigments or white colored resin particles as coloring materials. Claim 5 also requires pen tips that are composed of any one of fibers, plastic leads, brush-like materials and pen-shaped materials. The present ink composition helps obtain a good dispersion stability of the ink within an inner lead and thus help obtain pastel toned written marks without forming ink droplets at a pen tip.

Serial No.: 10/541,932
Examiner: Edward J. Cain
Reply to Office Action Mailed September 9, 2008
Page 5 of 6

Ikoma fails to disclose the writing instrument and its ink composition as required by claim 5. Instead, Ikoma merely discusses an ink composition for a water based ballpoint pen comprising at least water and a colorant (see Abstract of Ikoma), while being completely silent as to not comprising white colored inorganic pigments or white colored resin particles as coloring materials as required by claim 5. Paragraph [0024] and claim 4 of Ikoma referred to by the rejection merely discuss that the Ikoma composition includes certain materials without excluding any white colored inorganic pigments or resin particles as coloring materials. Moreover, Ikoma also fails to disclose pen tips that are composed of any one of fibers, plastic leads, brush-like materials and pen-shaped materials, as required by claim 5. Rather, Ikoma merely discusses a ballpoint pen (see Abstract of Ikoma). For at least these reasons, claim 5 is patentable over Ikoma.

Claim 6 is patentable over Ikoma for reasons similar to those discussed above. Claim 6 requires inks not comprising white colored inorganic pigments or white colored resin particles as coloring materials. Claim 6 further requires pen tips that are composed of any one of fibers, plastic leads, brush-like materials and pen-shaped materials. Ikoma fails to disclose the arrangement as recited in claim 6. For at least these reasons, claim 6 is patentable over Ikoma. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Serial No.: 10/541,932
Examiner: Edward J. Cain
Reply to Office Action Mailed September 9, 2008
Page 6 of 6

In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612) 455-3804.

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902-0902
Minneapolis, MN 55402-0902
(612) 455-3800



Dated: December 8, 2008

By: _____

Douglas P. Mueller
Reg. No. 30,300

DPM/cy